

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

JONATHAN D. FITTS,

Case No. 2:24-cv-1391

Plaintiff,

vs.

Judge Edmund A. Sargus, Jr.
Magistrate Judge Caroline H. Gentry

OFFICER GEAR, et. al.,

Defendants.

ORDER GRANTING PLAINTIFF’S MOTION TO VOLUNTARILY DISMISS CASE

Plaintiff, a state prisoner proceeding without the assistance of counsel, submitted an application to proceed *in forma pauperis* (the “IFP Application”) and a civil rights Complaint in this case, S.D. Ohio No. 2:24-cv-1391 (the “1391 Case”). ECF No. 1; ECF No. 1-1. However, Plaintiff had already filed a case in this Court against the same defendants. *See Fitts v. Crabtree, et. al.*, S.D. Ohio No. 2:24-cv-1040 (the “1040 Case”). Therefore, this Court ordered Plaintiff to show cause why the 1391 Case should not be dismissed because it is duplicative. ECF No. 7. The Court explained that the 1040 and 1391 Cases appeared to involve similar factual allegations, defendants, and claims, and that dismissal of the 1391 Case would “further[] judicial economy and relieve [] plaintiff of the obligation to pay filing fees in both cases.” *Id.* at PageID 33.

Plaintiff responded by moving to voluntarily dismiss the 1391 Case and requesting to proceed in the 1040 Case. ECF No. 8. The Court construes Plaintiff’s motion as seeking to voluntarily dismiss the entire case pursuant to Federal Rule of Civil Procedure 41(a)(2), and will grant the motion.

Accordingly, it is **ORDERED** that Plaintiff's motion to voluntarily dismiss, ECF No. 8, is hereby **GRANTED**. This case is **DISMISSED without prejudice** under Rule 41(a)(2).

April 30, 2024

/s/ Caroline H. Gentry
CAROLINE H. GENTRY
UNITED STATES MAGISTRATE JUDGE